

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ELVIS WELLS,

Petitioner,

v.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:19-cv-00522-APG-VCF

**ORDER**

This habeas matter is before the court on Petitioner Elvis Wells's failure to comply with the Order (ECF No. 35) instructing him to update his address within 30 days.<sup>1</sup>

The High Desert State Prison Law Library has returned multiple court filings sent to the last institutional address Wells provided with a notation indicating that he no longer is at the institution. *See* Electronic Notice from HDSP (ECF No. 34); Returned Mail (NEF) as Undeliverable (ECF Nos. 29, 32, 36). The inmate locator tool on the Nevada Department of Corrections' ("NDOC") website similarly reflects that Wells is now incarcerated at the Warm Springs Correctional Center.<sup>2</sup>

On December 2, 2020, I ordered Wells to update his address within 30 days. (ECF No. 35.) I further warned Wells that a failure to timely update his address would result in dismissal of his petition without prejudice and without further advance notice. To date, Wells has not filed a notice of change of address or taken any other action to prosecute this case.

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<sup>1</sup> The Local Rules of Practice require all parties, including habeas petitioners, to immediately file with the court written notice of any change of address. LR IA 3-1, LR 2-2. The Local Rules also warn that failure to comply may result in dismissal of the action, with or without prejudice, or other sanctions as the court deems appropriate. *Id. See also Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) ("A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.").

<sup>2</sup> I take judicial notice of Wells's current status as reported in NDOC's online records. The inmate locator tool may be accessed by the public online at: <https://ofdsearch.doc.nv.gov/>.

1 I THEREFORE ORDER:

2 1. This action is DISMISSED WITHOUT PREJUDICE based on Petitioner Elvis  
3 Wells's failure to comply with the Court's order (ECF No. 35) or Local Rules of  
4 Practice.

5 2. The Clerk of Court is instructed to enter final judgment and close this case.

6 Dated: January 29, 2021

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10 ANDREW P. GORDON  
11 UNITED STATES DISTRICT JUDGE  
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